

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

Stephen D. McCormick and
Karen McCormick,

Case No. 12-30679

Debtors.

**LIMITED OBJECTION TO AMENDED THIRD MOTION FOR SALE OF REAL
ESTATE FREE AND CLEAR OF LIENS**

Starion Financial joins in the Dakota Community Bank & Trust's Objection to Third Motion for Sale of Real Estate Free and Clear of Lines and Encumbrances pursuant to 11 U.S.C. 363(f) and for the reasons stated below.

Starion Financial objects to sale proceeds from the Swanberg Construction Inc. purchase being distributed in full to Wells Fargo N.A. and/or American Bank Center. The Swanberg Construction Inc. sale is for two parcels of land legally described as follows:

The North Half (N1/2) of Section Twenty-Nine (29), Township One Hundred Thirty-Nine North (139N), Range Eighty-One West (81W), of The Fifth Principal Meridian, Morton County, North Dakota, less Auditor's Lot "A" of the Northwest Quarter (NW1/4) of said Section Twenty-Nine (29), and

A Tract of Land being the South 844 Feet of the NW1/4 of Section Twenty-Eight (28), less the replat of Lohstreter's First Addition And less Auditor's Lot "A" of said NW1/4, Township 139 North (139N), Range 81 West (81W), Morton County, North Dakota

Neither the mortgages of Wells Fargo N.A. or American Bank Center cover the second parcel located in Section 28. The second parcel is owned by "JL Partnership" according to the title commitment. The Debtors Amended Schedule B as filed as Docket No. 84 lists JL Partnership as owned 50% by Steve and 50% by Karen. This partnership is not registered with the North Dakota Secretary of State and appears to be a general partnership.

The Purchase Agreement for Swanberg Construction Inc. does not separate values for the parcels being sold, instead the sale is for a lump sum price for \$1,004,250.00. The purchase agreement does state the land is being sold at \$3,000 per acre. The acreage for the land in Section 28 is stated at 41.8 acres, which would total \$125,500.

Starion Financial respectfully ask this court to deny the distribution of proceeds attributed to the property located in Section 28 to mortgage holders, Wells Fargo and American Bank Center, and order these funds to be escrowed pending a determination of the validity of liens against the property.

Dated this 15 November 2012.

TURMAN & LANG, LTD.

/s/ Katrina A. Turman Lang
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STATE OF NORTH DAKOTA)

AFFIDAVIT OF SERVICE

) ss.

COUNTY OF CASS)

JANELLE ALBRECHT, being first duly sworn upon oath, deposes and says that she is of legal age; that on November 15, 2012, she served the attached:

**LIMITED OBJECTION TO AMENDED THIRD MOTION FOR SALE OF
REAL ESTATE FREE AND CLEAR OF LIENS**

RE: Stephen & Karen McCormick Bankruptcy
Case File No. 12-30679
Our File No.: 8208.4

upon the following person(s):

email:

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by electronically filing the above documents through ECF and that ECF will send an e-notice of the electronic filing to the above.

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State Bank of Bottineau
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And by depositing the same with postage prepaid in the United States Mail at Fargo, North Dakota.

/s/ Janelle Albrecht
JANELLE ALBRECHT

Subscribed and sworn to before me on November 15, 2012.

Linda J. Collins
NOTARY PUBLIC
My Commission Expires: 1/5/15

(S E A L)